

COMMISSIONERS APPROVAL

CHILCOTT *gc*

LUND *BL*

THOMPSON *AT*

TAYLOR (Clerk & Recorder)

Date.....July 18, 2006

Members Present.....Commissioner Greg Chilcott, Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met for a weed update with Weed Coordinator Bryce Christiaens.

In other business, the Board met for a Request for Commission Action on Sunnyside Orchards #4, Block 18, Lot 5-C AP. Minutes of that meeting are as follows:

Ravalli County Board of County Commissioners (BCC)

Meeting Minutes for July 18, 2006

9:00 a.m.

Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

1. Call to order

Commissioner Chilcott called the meeting to order at 9:02 AM.

2. BCC and Staff

(A) BCC

Greg Chilcott (Present)
Alan Thompson (Present)
Betty Lund (Present)

(B) Staff

John Lavey

3. Public Meeting

(A) Sunnyside Orchards, Block 18, Lot 5C, AP (Wilton) Subsequent Minor Subdivision

(i) Board action on the Subdivision Proposal

(a) Board Decision

Commissioner Lund made a motion to **approve** the Sunnyside Orchards, Block 18, Lot 5C, AP (Wilton) Subsequent Minor Subdivision, based on the findings of fact and conclusions of law in the staff report as amended, and subject to the conditions in the staff report with the following amendments:

1. Amend Condition 5 to state that a \$125 per lot per school district contribution shall be made to the Stevensville High School and Lone Rock Elementary School prior to final plat approval.

Commissioner Thompson seconded the motion and the Commissioners voted 3-0 to **approve** the subdivision.

The meeting was adjourned.

In other business the Board met with Detention Supervisor, Lt. Cathy Powell in regard to the Inmate Banking services. Commissioner Thompson made a motion to execute the agreement with Swanson Company which includes the changes initiated by Civil Counsel James McCubbin. Commissioner Lund seconded the motion and all voted "aye".

The Board met to discuss the possibility of a resolution or emergency proclamation in regard to the hot and dry weather and the possibility of an extreme fire season. After a conference call with Office of Emergency Management Coordinator Ron Nicholas, it was agreed to obtain more information from the DNRC meeting that was occurring tomorrow at 9:00 a.m. Commissioner Thompson made a motion to continue this meeting until tomorrow, July 19th at 10:30 a.m. Commissioner Lund seconded the motion and all voted "aye".

The Board met with I.T. Director Joe Frolich, GIS Department Head Ken Miller and GIS Employee Mike Snook for an application demo of the Land Information Systems, calculation of the data and applications for Dispatch.

In other business the Board met to discuss Highway 93 Corridor Zoning and make a possible decision on the action of the Area 3 neighborhood Plan. Present was Professor John Horwich who conducted the study on the Area 3 Neighborhood Plan, Planner Karen Hughes, Planner John Lavey and Ben Howell. Civil Counsel James McCubbin and County Attorney George Corn were also present.

In regard to the corridor planning, George stated this is not a hard zoning issue to put into place. Karen noted there is a Land Use Law Clinic Study on the corridor zoning issue. In regard to moving forward on the Neighborhood Plan, the Commissioners would need to have a public hearing and consider implementation of the plan.

Commissioner Thompson expressed frustration over the city's lack of forward movement on the neighborhood plan. The city will eventually annex this area and they allow the county to do and pay for all the work. They don't even thank us for doing everything when they 'take it over'. Commissioner Thompson further stated he does not want to wait on other entities, but to rather move forward. He stated he can see a tremendous amount of growth in this particular area and there could be many amenities in that area which includes some open space and wetlands.

Commissioner Lund stated the landowners have been given more time on this plan in order to garner the Economic Development Center through the EDA. Commissioner Chilcott stated it seemed like extortion from the city as they make the county jump through all the hoops. He also indicated he does not appreciate the fact that when they are all moving forward, someone in the city takes the reins and makes the whole plan come to a halt.

Commissioner Chilcott asked John for his take on this issue. John stated they moved through the city and county planning commission. Both planning boards recommended this to their Council or Commissioners. The City Council was not willing to roll up their sleeves and deal with the plan. They raised some legitimate concerns, but when push came to shove to continue the dialog, they moved to deny it. Instead of resurrecting the issue, seven weeks went by and they did not show any seriousness in proceeding with something that was going to go forward. John stated the county could move forward. This was meant to be a cooperative plan between the county and the city, but the city does not want to become involved.

Commissioner Lund stated the county is being pushed forward.

City of Hamilton Counsel Member Mr. Sutherland stated the counsel voted 5-1 not to approve the design that was presented. They wanted more information and asked for another meeting. But the message they received back via Colleen Miller was the planner told the city to 'drop dead'. He stated they are interested in the plan, and the impacts that will be created. However, the impacts were not addressed. He stated they are interested in protecting their sewer infrastructure. He stated the city started this project and for the county to say they have to cope with a counsel that is digging their heels in is not true. He stated they would like to move forward with this, but they would like a planner to come forward with certain types of information such as the impacts.

Karen stated from a planning perspective, this is a unique opportunity to use a large land area for future growth. Very few communities obtain this type of opportunity, as this is text book for planning. The planning staff has had preliminary meetings with the owner of the property but she is not sure of the owner's status or thoughts at this point.

Commissioner Lund commented that some of the things the city counsel was asking for such as a traffic study, actually came in the next step, i.e., subdivision approval.

James asked if there was a time line on a subdivision application for this area. Karen stated there was a 'hint' of around 6-months. John stated he participated in the meeting with the buyer, and he agreed a proposal was around 6-months, but that was 2-months ago. Karen stated if additional research or amendments are needed, it will depend upon the amount of time the county needs. The buyer gave us a sense of working with the governmental entity in regard to the zoning issues. John stated the proposed density was consistent with the plan.

Bob Scott (City Counsel Board Member) confirmed what Mr. Sutherland stated. The city is in process of budgeting for senior planner and planning office. It has been widely misreported that we are not interested in planning. He stated they are concerned about the enforced density in this area, as it might not be good for the citizens of Hamilton. Commissioner Chilcott stated this 'drag of time' is not good for the EDA. Bob stated the EDA should not be the driving force.

Commissioner Chilcott stated this was fair a few months ago when the EDA was the 'sacrificial lamb in this issue'. He further stated he thought they had a good faith effort and he is not feeling too much good faith effort from the city at this time.

James stated his question is if they get a subdivision application prior to this zoning, then we are not able to move forward on the area 3. George agreed, further stating the county will deal with the rules of the state in regard to subdivisions.

Commissioner Lund asked John how long the implementation of zoning would be. John stated a lot depends on the Commissioners actions for adopting the plan. After that, they could expect 4-7 months. James stated if this is done on a county basis, it is important to reconsider the geographical boundaries as they were based on the city's zones for sewage. Now the land being contemplated goes well beyond that area as defined by the city. The Old Corvallis Road Plan addresses just a little over half. Karen stated the growth policy is in place covering that area, and zoning could be put into effect without further zoning. She also noted the Planning Board could be utilized as a planning commission which is part of the regulations. It was agreed that public water systems could provide for the density.

Commissioner Chilcott comment that without the concurrent approval of moving forward from the City of Hamilton, the EDA is lost through the process because city hook-up was needed for the economic center. George stated if you move forward on the plan, then the city could always re-think their position and become involved.

Karen stated a big piece of this will be to talk to the current owners and the potential land owners involved in the process. That is a big part of the process. She stated her office is still interested in working with the city in regard to the municipal services.

John stated they have not visited with the buyer for the past six weeks. The buyer contacted them and they were very interested in the density etc. They were disappointed when the plan did not go forward. Thus he sees the buyer to be receptive on this move forward.

Commissioner Thompson stated it is their responsibility to move forward and not rely on other entities. It would be a benefit for the city to join with the county on this project. The major emphasis at the beginning was to develop the economic center, which was a lift station at a very costly amount. The county would invest in this and recoup the investment.

Planning Board Member Les Rutledge encouraged John and Karen to re-contact the developer "as things are happening".

Planning Board Member Ben Hellicoss stated they would like the ability to make changes to the plan. The Board needs to find a way to offer their suggestions for amendments to the plan. Commissioner Chilcott stated that would be part of the public hearing process.

Karen stated the Planning Board held a public hearing taking public comment. A motion came forth and they acted on that motion. She noted there is more opportunity to take public comment.

Commissioner Lund made a motion to move forward on Neighborhood Plan of Area 3, to include the public hearing process with Dr. Horwich. Commissioner Thompson seconded the motion and all voted "aye".

In regard to the zoning issues of the Highway 93 Corridor. Karen asked what the Commissioners are looking for. The Commissioners stated they are looking for options along this corridor in regard to zoning. Commissioner Thompson stated they held public hearings through out the valley, and asked if they should start with those public comments for set backs, wildlife etc. John stated the meetings were reasonably well advertised, but they need more public process. He stated zoning can be complex and sophisticated or as simple as the Commissioners want.

Commissioner Thompson stated his concern is that the corridor is too wide (one mile). John stated any delineation (width) is fine. If you control what takes place 200' from the highway it is amazing what people will do 201' feet from the highway. The more limitation of space the simpler the process is.

George stated time is of the essence and the Commissioners need to enter into interim zoning. He suggested they take those steps now. George also noted there are millions of federal dollars being spent on the highway and many people will be lining up to utilize the Highway 93 corridor.

Commissioner Thompson expressed concern over the public comment, in that if they make the corridor too wide; some will see that as a 'taking' of the whole valley floor.

Ben Hellicoss stated they could look at the utilization of the riverbank.

Russ Lawrence asked about the document Commissioner Thompson was addressing. It was noted the document is the 'Land Use' as presented by the law students from the University. This document is available at the Planning Office. Russ stated the Commissioners can utilize the Growth Policy as the voters already expressed their approval. The Growth Policy calls for visual, aesthetic, managing the corridor etc. Russ felt this issue is time sensitive and requires quick action. John stated this study does reference the Growth Policy and he agrees the Growth Policy should be kept at the forefront of the corridor.

Commissioner Lund asked how long it takes to do another interim zoning. Karen stated if they use what is already in place but 'tweak it', then it should not take a lot of time. If the Commissioners want to do more than that, it will take more time. George stated the current interim zoning addresses most of these issues. He suggested the Commissioners utilize the current interim zoning. Karen stated it is important not to use an arbitrary number for the width of the corridor, but to use the GIS map and scale it off.

James stated if the Commissioners need to identify the nature of the emergency it will lead to a fairly logical consequence of that scope. George stated the Commissioners need to look at Eastside and Highway 93 in regard to the increased traffic and potential growth.

Ben encouraged the Commissioners to use a 'broad brush' on this zoning (a wider corridor). He stated there are many houses coming up right next to the highway. It might be more appropriate for light commercial or industrial instead of housing. Commissioner Chilcott stated his concern is the number of approaches to the highway, as that is a public health and safety issue. Commissioner Thompson stated there will not be any more access unless there is a variance procedure to open an access by way of the State. Karen stated they can change the use of access and accommodate more accesses.

George asked John what his suggestions would be on the interim zoning in regard to protecting the corridor. John stated interim zoning is to protect the status quo while you do the real thing. The zoning does not solve the problem; it just lets you deal with the issues, and plan properly for it. John stated he like the broader brush approach. Just today he sees another building going up at Woodside Crossing. He stated his professional opinion is to preserve the status quo, put the restrictions out there and then proceed in good faith to adopt permanent zoning. George stated that would be the easiest and quickest draft, which would allow for protection while they are moving forward.

Commissioner Thompson stated his concern is that they are dealing with this as an emergency. Some members of the audience stated it is an emergency and the Commissioners need to become proactive in the need for zoning.

George stated the Commissioners can do interim zoning in the whole county. He stated the county is reaching a critical mass and growth 'will go faster and faster' until it is out of control. He stated they need to preserve the status quo and move forward on a plan. If the Commissioners don't do something, then things just continue to happen.

Commissioner Chilcott questioned a 'broad freezing' of any growth on the Highway 93. He stated he would be opposed to any moratorium. George stated that is the 'blunt tool' that the legislators have given us. He also stated he brought this issue up last August but nothing has been done.

Commissioner Thompson stated the corridor zoning would be much less contentious than countywide zoning.

Karen stated if they are looking at simple corridor zoning they can dedicate some resources. 'Simple' being the status quo or utilizing the one we already have as a template that can be done in the near future. George stated the broader brush like John phrased it would be the best. James stated the procedure and background elements can be taken from the other one that was just adopted. George stated any action is subject to a referendum.

There was discussion of examples for zoning and what the Board would want to utilize. John stated it is important that the Commissioners initiate the long term zoning process. He also stated when they talk about the permanent zoning, 'people rush to get under the wire'. George stated the Commissioners would need to decide what width they want on the corridor. At the time Highway 93 was expanded, the issue was contentious, but the issue was safe travel. The controversy was the congestion of the 2-lane highway, and if the Commissioners make too many exceptions, they undermine what the expansion of Highway 93 was all about to begin with.

James asked if 2 out of 3 commissioners want to pursue the interim zoning. Commissioner Thompson stated they need to begin the process of looking at this. Commissioner Chilcott stated it is contingent upon the elements the emergency is based on. Commissioner Lund stated she feels comfortable moving forward. George stated they can prepare a draft and allow the Board to add where there concerns are.

Commissioner Lund made a motion to continue this meeting until tomorrow at 3:00 with the Planning Board in order to relay their concerns on the emergency of the Highway 93 corridor. James stated the Commissioners should introduce the issue for a short discussion with the Planning Board. Commissioner Thompson seconded the motion noting they need to respect the Planning Board's opinion. He also noted they need to expedite this discussion and not put a 'drag on their time'.

Planning Board Member Chip Pigman asked the Commissioners what their emergency is so they can formulate what is needed for them to 'get behind'. All voted "aye".